

106TH CONGRESS
1ST SESSION

S. 1407

To authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 2000, 2001, and 2002, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 21, 1999

Mr. FRIST introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 2000, 2001, and 2002, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Technology Adminis-
5 tration Authorization Act for Fiscal Years 2000, 2001,
6 and 2002”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) DIRECTOR.—The term “Director” means
 2 the Director of the National Institute of Standards
 3 and Technology.

4 (2) SECRETARY.—The term “Secretary” means
 5 the Secretary of Commerce.

6 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR SCI-**
 7 **ENTIFIC AND TECHNICAL RESEARCH AND**
 8 **SERVICES.**

9 (a) LABORATORY ACTIVITIES.—There are authorized
 10 to be appropriated to the Department of Commerce for
 11 use by the Secretary of Commerce for the Scientific and
 12 Technical Research and Services laboratory activities of
 13 the National Institute of Standards and Technology—

14 (1) \$289,622,000 for fiscal year 2000;

15 (2) \$305,551,000 for fiscal year 2001; and

16 (3) \$322,356,000 for fiscal year 2002.

17 (b) CONSTRUCTION AND MAINTENANCE.—There are
 18 authorized to be appropriated to the Department of Com-
 19 merce for use by the Secretary of Commerce for construc-
 20 tion and maintenance of facilities of the National Institute
 21 of Standards and Technology—

22 (1) \$106,798,000 for fiscal year 2000;

23 (2) \$31,800,000 for fiscal year 2001; and

24 (3) \$16,800,000 for fiscal year 2002.

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR THE OF-**
 2 **FICE OF THE UNDER SECRETARY FOR TECH-**
 3 **NOLOGY.**

4 (a) OFFICE OF TECHNOLOGY POLICY.—There are
 5 authorized to be appropriated to the Department of Com-
 6 merce for use by the Secretary of Commerce for the activi-
 7 ties of the Under Secretary for Technology and the Office
 8 of Technology Policy—

9 (1) \$8,442,000 for fiscal year 2000;

10 (2) \$8,695,000 for fiscal year 2001; and

11 (3) \$8,956,000 for fiscal year 2002.

12 (b) OFFICE OF SPACE COMMERCIALIZATION.—There
 13 are authorized to be appropriated to the Department of
 14 Commerce for use by the Secretary of Commerce for the
 15 activities of the Office of Space Commercialization—

16 (1) \$530,000 for fiscal year 2000;

17 (2) \$550,000 for fiscal year 2001; and

18 (3) \$570,000 for fiscal year 2002.

19 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR INDUS-**
 20 **TRIAL TECHNOLOGY SERVICES.**

21 There are authorized to be appropriated to the De-
 22 partment of Commerce for use by the Secretary of Com-
 23 merce for the industrial technology services activities of
 24 the National Institute of Standards and Technology—

25 (1) \$316,405,000 for fiscal year 2000, of
 26 which—

1 (A) \$209,605,000 shall be for the Ad-
2 vanced Technology Program under section 28
3 of the National Institute of Standards and
4 Technology Act (15 U.S.C. 278n); and

5 (B) \$106,800,000 shall be for the manu-
6 facturing extension partnerships program under
7 sections 25 and 26 of the National Institute of
8 Standards and Technology Act (15 U.S.C. 278k
9 and 278l); and

10 (2) \$322,693,000 for fiscal year 2001, of
11 which—

12 (A) \$215,893,000 shall be for the Ad-
13 vanced Technology Program under section 28
14 of the National Institute of Standards and
15 Technology Act (15 U.S.C. 278n); and

16 (B) \$106,800,000 shall be for the manu-
17 facturing extension partnerships program under
18 sections 25 and 26 of the National Institute of
19 Standards and Technology Act (15 U.S.C. 278k
20 and 278l).

21 (3) \$329,170,000 for fiscal year 2002, of
22 which—

23 (A) \$222,370,000 shall be for the Ad-
24 vanced Technology Program under section 28

1 of the National Institute of Standards and
 2 Technology Act (15 U.S.C. 278n); and

3 (B) \$106,800,000 shall be for the manu-
 4 facturing extension partnerships program under
 5 sections 25 and 26 of the National Institute of
 6 Standards and Technology Act (15 U.S.C. 278k
 7 and 278l).

8 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
 9 **TIONAL TECHNICAL INFORMATION SERV-**
 10 **ICES.**

11 (a) IN GENERAL.—There are authorized to be appro-
 12 priated for the National Technical Information Service
 13 \$2,000,000 for fiscal year 2000, to partially fund expenses
 14 related to the collection, input processing, and preserva-
 15 tion of scientific and technical information, to remain
 16 available until expended.

17 (b) SUBMISSION OF PLAN.—None of the funds au-
 18 thorized by subsection (a) may be obligated until the Sec-
 19 retary has submitted a plan on the future of NTIS to the
 20 Senate Committee on Commerce, Science, and Transpor-
 21 tation, and the Committee on Science of the House of
 22 Representatives. The plan shall address—

23 (1) whether the Service should be abolished;

24 (2) whether the Service's mission should be
 25 modified to include new information technology-re-

1 lated services and products to other agencies as well
 2 as to the public;

3 (3) any reorganizations required to achieve ei-
 4 ther the current mission, or a newly defined or a
 5 modified mission for the Service;

6 (4) whether there should be annual appropria-
 7 tions to continue operations; and

8 (5) what changes in existing law would be nec-
 9 essary to support any recommendations made in the
 10 plan.

11 **SEC. 7. NATIONAL INSTITUTE OF STANDARDS AND TECH-**
 12 **NOLOGY ACT AMENDMENTS.**

13 (a) AMENDMENTS.—Section 28 of the National Insti-
 14 tute of Standards and Technology Act (15 U.S.C. 278n)
 15 is amended—

16 (1) in subsection (d)—

17 (A) in paragraph (1)—

18 (i) by inserting “(A)” after “(1)”;

19 (ii) by inserting “and be of a nature
 20 and scope that would not be pursued in a
 21 timely manner without Federal assistance”
 22 after “technical merit”; and

23 (iii) by adding at the end the fol-
 24 lowing:

1 “(B) Each applicant for a contract or
 2 award under the Program shall certify that the
 3 applicant has made an effort to secure private
 4 market funding for the research project in-
 5 volved. That certification shall include a written
 6 narrative description of the efforts made by the
 7 applicant to secure that funding.”; and

8 (B) by adding at the end the following:

9 “(12) A large business may participate in a re-
 10 search project that is the subject of a contract or
 11 award under paragraph (3) only as a member of a
 12 joint venture that includes 1 or more small busi-
 13 nesses as members.”;

14 (2) in subsection (j)—

15 (A) by striking “and” at the end of para-
 16 graph (1);

17 (B) by redesignating paragraph (2) as
 18 paragraph (5); and

19 (C) by inserting after paragraph (1) the
 20 following:

21 “(2) the term ‘large business’ means a business
 22 that—

23 “(A) is not a small business; and

24 “(B) has gross annual revenues in an
 25 amount greater than \$2,500,000,000;

1 “(3) the term ‘medium business’ means a busi-
2 ness that—

3 “(A) is not a small business; and

4 “(B) has gross annual revenues in an
5 amount less than or equal to \$2,500,000,000;

6 “(4) the term ‘small business’ means a small
7 business concern, as described in section 3(a)(1) of
8 the Small Business Act (15 U.S.C. 632(a)(1)); and”;

9 (3) by redesignating subsection (j) as sub-
10 section (m); and

11 (4) by inserting after subsection (i) the fol-
12 lowing:

13 “(j) Notwithstanding subsection (b)(1)(B) and sub-
14 section (d)(3), the Director may grant an extension be-
15 yond the applicable deadline specified in subsection
16 (b)(1)(B) or (d)(3) for a joint venture or single applicant
17 recipient of assistance to expend Federal funds to com-
18 plete the project assisted with that assistance, if that
19 extension—

20 “(1) is granted with no additional cost to the
21 Federal Government; and

22 “(2) is in the interest of the Federal Govern-
23 ment.

1 “(k)(1) The Secretary, acting through the Director,
 2 may vest title to tangible personal property in any recipi-
 3 ent of financial assistance under this section if—

4 “(A) the property is purchased with funds pro-
 5 vided under this section; and

6 “(B) the Secretary, acting through the Direc-
 7 tor, determines that the vesting of such property
 8 furthers the objectives of the Institute.

9 “(2) Vesting under this subsection shall—

10 “(A) be subject to such limitations as are pre-
 11 scribed by the Secretary, acting through the Direc-
 12 tor; and

13 “(B) be made without further obligation to the
 14 United States Government.

15 In carrying out this section, the Secretary, acting through
 16 the Director, shall ensure that the requirements of Cir-
 17 cular No. A-110 issued by the Office of Management and
 18 Budget are met with respect to the valuation of cost-share
 19 items used by participants in the Program.

20 “(l) AWARDS BASED ON COMPETITION.—All
 21 amounts appropriated for grants under subsection (b) for
 22 fiscal years beginning after the date of enactment of the
 23 Technology Administration Authorization Act for Fiscal
 24 Years 2000, 2001, and 2002 shall be used for grants
 25 awarded on the basis of general open competition.”.

1 (b) ADDITIONAL AMENDMENT.—

2 (1) IN GENERAL.—Section 28(d)(11)(A) of the
3 National Institute of Standards and Technology Act
4 (15 U.S.C. 278n(d)(11)(A)) is amended by striking
5 the period at the end of the first sentence and in-
6 serting the following: “or any other university or
7 nonprofit awardee or subawardee (as those terms
8 are defined by the Secretary) receiving financial as-
9 sistance under this section, as agreed by the parties,
10 notwithstanding the requirements of chapter 18 of
11 title 35, United States Code.”.

12 (2) APPLICABILITY.—The amendment made by
13 this subsection shall apply only with respect to as-
14 sistance for which solicitations for proposals are
15 made after the date of enactment of this Act.

16 **SEC. 8. REPORTS.**

17 (a) STATUS OF MANUFACTURING SECTOR.—Within
18 6 months after the enactment of this Act, the Director
19 shall submit a report to the Committee on Commerce,
20 Science, and Transportation of the Senate and the Com-
21 mittee on Science of the House of Representatives on the
22 following issues concerning the manufacturing sector:

23 (1) An expanded definition of manufacturing in
24 the digital age.

1 (2) The role of the manufacturing sector in the
2 digital age.

3 (3) Any legislative revisions to existing Federal
4 programs, such as Manufacturing Extension Pro-
5 gram, to reflect requirements imposed on the manu-
6 facturing sector by the knowledge-based economy.

7 (4) Needs for technical assistance for small
8 businesses, in coordination with existing efforts from
9 state and local governments and the Experimental
10 Program to Stimulate Competitive Technology pro-
11 gram.

12 (b) NATIONAL LABORATORIES.—The Assistant Sec-
13 retary for Technology Policy, in consultation with the Of-
14 fice of Science and Technology Policy and the Secretary
15 of Energy, shall, within 9 months after enactment of this
16 Act, submit a report to the Senate Committee on Com-
17 merce, Science, and Transportation and the House of Rep-
18 resentatives Committee on Science on the following issues
19 concerning the national laboratories:

20 (1) Whether the laboratories have clearly de-
21 fined and focused missions that are distinct from
22 one another.

23 (2) The existence of barriers in establishing and
24 retaining resources to maintain competitive centers
25 of excellence at the laboratories.

1 (3) The extent to which the laboratories col-
2 laborate with one another on research programs with
3 industry.

4 (4) The specific actions that can be taken in
5 the short term to strengthen the national labora-
6 tories technically and technologically.

7 (5) Any specific recommendations to increase
8 the efficiency and effectiveness of the national lab-
9 oratories in the long term, including systemic
10 changes whether new or previously proposed.

11 (c) TECHNICAL STANDARDS.—The Director, in con-
12 sultation with the United States Trade Representative and
13 any other appropriate agencies, shall submit a report to
14 the Senate Committee on Commerce, Science, and Trans-
15 portation and the House of Representatives Committee on
16 Science within 6 months after the enactment of this Act
17 on the following issues concerning technical standards:

18 (1) The role and impact of international tech-
19 nical standards on global commerce and inter-
20 national trade.

21 (2) The role of national standards, including
22 their use as barriers, in international commerce and
23 trade policies.

24 (3) The timeliness of the domestic and inter-
25 national standards process and its impact on the de-

1 velopment of new markets and new technologies, in-
2 cluding the use of technical draft standards to ac-
3 commodate the fast pace of change in market envi-
4 ronment and technologies.

5 (4) Market, industry, and technology input into
6 the standards process.

7 (5) Open and fair access in representation to
8 the domestic and international standards process.

9 (6) Any recommendation for changes to the do-
10 mestic standards process.

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